

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW BECKER, et al.,

Plaintiffs,

v.

TIG INSURANCE CO., et al.,

Defendants.

CASE NO. 3:21-cv-05185-JHC

ORDER


This matter comes before the Court on “Plaintiffs’ Motion to Exclude Undisclosed Evidence and Witnesses and Sanctions Pursuant to FRCP 26(g) and FRCP 11.” Dkt. # 112. The Court has considered the motion, its supporting materials, the opposition materials, and the balance of the file. Plaintiffs did not file a reply in support of the motion, and thus did not address any of the arguments raised by TIG Insurance Co.

Procedurally, the motion seems to have odd qualities. To the extent it is a discovery motion, it is untimely, *see* Dkt. # 38, and Plaintiffs do not ask for a modification of the case schedule with respect to the motion. To the extent it is a Rule 11 motion, the Court does not see how the rule applies in connection with the motion, and there is no indication that Plaintiffs complied with the rule’s procedural requirements, such as the safe harbor provision. Finally, the

1 Court is concerned regarding the blanket nature of the motion, sweeping into its scope categories
2 of witnesses and documents.

3 Accordingly, the Court DENIES the motion. But the Court DENIES WITHOUT
4 PREJUDICE the part of the motion that seeks *exclusion* of evidence and witnesses. Plaintiffs
5 may again request such exclusion at trial on the grounds set forth in the motion. At the pretrial
6 conference, the Court and parties may wish to address the most efficient way of resolving this
7 issue.

8 Dated this 9th day of January, 2023.

9 
10 John H. Chun
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24